IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 37489 of 2007(K)

PETITIONER:

K. BASHEER, S/O. MARAIKKAR,
AGED 35 YEARS, KODIYIL HOUSE, P.O. ANAKKARA,
KUMBIDI, PALAKKAD DISTRICT. (REG.OWNER OF
KL-52/5400).

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:
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1. DEPUTY TRANSPORT COMMISIONER,
CENTRAL ZONE, AYYANTHOLE, THRISSUR-3.

2. JOINT REGIONAL TRANSPORT OFFICER,
SUB REGIONAL TRANSPORT OFFICE, PATTAMBI,
PALAKKAD DISTRICT.

BY GOVERNMENT PLEADER SRI.C.K.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 37489 OF 2007 K
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Dated this the 18th day of December, 2007

J U D G M E N T

Ext.P3 demand is under appeal in Ext.P4 before the 1st respondent. Petitioner applied for stay and the same was declined by Ext.P6. In the meantime, revenue recovery proceedings have been initiated and hence this writ petition.

2. Petitioner submits that out of the total amount of about Rs.70,000/-, he has already paid Rs.20,000/- and the balance that is demanded is more than Rs.51,000/-. It is for recovery of this amount that the revenue recovery proceedings have been initiated.

3. Having regard to the fact that Ext.P4 appeal filed by the petitioner has already taken into file, I feel that atleast on conditions, stay should have been granted by the Appellate Authority and that having not done and refused without assigning

any valid reason, I am inclined to set aside Ext.P6.

4. Accordingly, I dispose of this writ petition directing that the 1st respondent shall dispose of Ext.P4 appeal with notice to the petitioner, as expeditiously as possible, at any rate within eight weeks of production of a copy of this judgment.

In the meantime, further proceedings pursuant to Ext.P5 revenue recovery notice shall stand stayed on the petitioner remitting a further sum of Rs.20,000/- (Rupees Twenty thousand only) within two weeks.

ANTONY DOMINIC, JUDGE.

Rp